

## 19.105 SICK/INJURED WITH PAY AND SPECIAL LEAVES

### **References:**

Procedure 12.830 - Donated Time  
 Procedure 19.107 - Family Medical Leave Act  
 Procedure 19.130 - Limited Duty Personnel  
 Procedure 19.140 - Outside Employment  
 FOP/City Labor Agreement  
 AFSCME/City Labor Agreement  
 City of Cincinnati Personnel Policies and Procedure  
 Standards Manual - 22.2.1, 22.2.4, 22.3.1, 53.1.1  
 Training Bulletin #142

### **Definitions:**

**Bloodborne contaminant:** any blood, any body fluid which visibly contains blood, or any body fluid in which it is difficult or impossible to tell if it contains blood, such as semen, saliva, or vaginal fluids.

**Active Exposure:** an active bloodborne infectious disease exposure as a contamination incident specifically to the eye, mouth, interior of the nose, intact/non-intact skin, or other mucous membrane, with blood or other potentially infectious materials which result from the performance of an employee's duties.

**Passive Exposure:** an exposure to a life threatening infectious disease, generally considered to be viral hepatitis and human immunodeficiency virus which are airborne or bloodborne but not to an area defined as an active exposure. The mere presence at an exposure scene or conduct with a body or other body fluid is not necessarily an exposure. Even contact with blood or other body fluids is not necessarily an exposure. The contact must be within the categories outlined in the Information Section.

Methods of bloodborne infectious disease exposure:

- A puncture, laceration, or abrasion of the skin.
- A splash or spitting into the eye, mouth, or interior of the nose.
- Contact with broken skin including rashes, chapped skin, open wounds, or healing wounds with scabs.
- A human bite.

- Contact with intact skin in excess of three minutes.

***Purpose:***

Provide EHS with each employee's health history, enhancing their ability to provide the employee with proper medical care.

Ensure necessary documentation of sickness and injury cases.

Establish a uniform Department procedure for recording and reporting personnel injured or exposed to infectious disease in the line of duty.

Establish guidelines for requesting a special leave of absence.

***Policy:***

City Primary Care Physicians speak for the Employee Health Service when the Employee Health Service is closed. Employees must follow all medical directives concerning duty status established by the treating physician.

SWP should not be approved unless the employee has properly reported and fully justified the absence.

Officers who are injured with pay or in **any** off-duty sick status are not permitted to work outside employment details. This includes any type of leave (vacation, holiday, compensatory) taken under the Family Medical Leave Act. Officers must call on track and physically report for their tour of duty before becoming eligible to work an outside employment detail.

***Information:***

Injured with pay (IWP) benefits may be initially approved for payment by the Employee Health Services' (EHS) physician, or by the Police Department, subject to final recommendation and approval by the EHS physician.

District/section commanders will approve or disapprove sick with pay (SWP) benefits.

Personnel Section may request the EHS physician's opinion in considering the decision to approve or disapprove SWP benefits.

Department employees may also refer to the Personnel Policies and Procedures, Chapter III, Employees Benefits, pages 3-12 for additional information.

Disagreements with the determination of IWP, SWP, or FMLA status are handled according to current City/Department policy and procedure and/or current Union contract stipulations.

The current Form 91SP and checklist for completion is available on the Intranet.

***Procedure:***

- A. Responsibilities of Department Employees Unable to Appear for Duty Because of Sickness or Injury:
  - 1. As soon as possible before the start of the next tour of duty, notify a supervisor from the assigned unit. (Refer to Procedure 19.107 for leaves falling under the provisions of the Family Medical Leave Act.)
    - a. Provide the supervisor with:
      - 1) The specific nature of the illness or injury.
      - 2) How long you expect to be off duty.
      - 3) Whether you called or will call a physician or dentist.
      - 4) The telephone number where you can be reached, if different than the telephone number on record at your unit of assignment.
      - 5) Notice of court appearances, off-duty details, meetings, public appearances and training dates that may need to be rescheduled.
    - b. Contact EHS when directed by a supervisor.
    - c. Comply with any request from the Police Department or the EHS physician to respond to the EHS office.

d. EHS will provide the injured employee with a Form 96-S following the medical examination. The Form 96-S will list duty restrictions determined by the EHS Physician.

1) The employee **must** give the Form 96-S to a supervisor upon return to duty.

a) The supervisor will compare the employees duties to Classification of Physical Demands of Work listed on the reverse side of the form, complete the bottom portion of the form and fax a completed copy to EHS within 24 hours.

2. When the condition improves allowing a return to duty, notify a unit supervisor as soon as possible.

3. If EHS approval is required, a sick or injured employee may not return to duty without approval.

4. Civilian employees will also be governed by current City/Union contracts or Personnel Policies and Procedures.

B. Duties of a Supervisor When an Employee is Unable to Appear for Duty:

1. Upon receiving a call that an employee is sick or injured:

a. Document the information provided by the employee in Sections A.1.a.1), 2), 3), and 4) on an Application for Leave of Absence (Form 25S) or a Supervisory Investigation of Employee Injury (Form 91SP) as appropriate.

1) In the "Reason" section of the Form 25S, explain in reasonable detail why the person is off sick or injured.

2) On the Form 25S, indicate your recommendation to the district/section/unit commander to approve or disapprove use of SWP or IWP.

- a) Recommend the approval of SWP when the employee has properly reported and justified the request.
- 3) Forward the form(s) daily through the proper chain of command to the district/section commander.
- b. Mark the unit blotter, when appropriate, to record the employee called off sick or injured.
- c. Ensure the notification of the Personnel Section when an employee is admitted to a hospital as result of an on or off duty injury or illness.
  - 1) If after normal business hours or on weekends, the information can be left in the Personnel Section Voice Mailbox System.
- 2. When an employee calls in sick and a supervisor has reason to believe the employee is improperly using sick time, or if a physician's or dentist's verification is necessary per AFSCME contract, the supervisor will:
  - a. Direct the employee to produce a physician's or dentist's statement within three working days justifying the absence.
    - 1) Employees failing to bring in a physician's or dentist's statement may be subject to disciplinary action.
      - a) Carry the employee in a Leave Without Pay (LWOP) status.
  - b. Prepare a Form 25S.
    - 1) In the "Special instructions to employee" section, check the "Medical certificate requested" block.

- 2) In the "Report and recommendation" section, enter the reason for requiring the physician's or dentist's statement.
  - 3) Route the form through the proper chain of command to the district/section commander.
3. When an off-duty employee calls off with an on-duty injury or a recurrence of an on-duty injury:
- a. Prepare a Form 91SP.
    - 1) Include the date of the original injury and date of recurrence (if applicable), a brief description of the original injury, and a thorough description of the current problems.
      - a) Mark "recurrence" at the top of the Form 91SP, if applicable.
  - b. Carry sworn employees as IWP in the Time Book unless notified IWP benefits were denied by EHS.
  - c. Carry Division 1 employees SWP per Union contract and Personnel Policies and Procedures for the first 40 hours of their disability period, excluding the day of the injury, unless they are hospitalized for one day or more as a result of the on-the-job injury.
    - 1) All non-sworn employees will not be carried IWP until a final decision is made by EHS Physician, except as outlined in B.3.c.
      - a) In those cases, the employee must identify the type of leave to be initially used, i.e., Vacation, Comp, SWP.
    - 2) If IWP is approved by the Risk Management Office, the payroll reports and Time Book will be adjusted to reflect prior balances.

- d. Direct the employee to contact EHS as soon as possible but no later than the end of the next EHS business day.
    - 1) Note this directive on the Form 91SP.
  - e. Route the Form 91SP through the proper chain of command to the district/section commander.
- C. Duties of a District/Section Commander When an Employee is Unable to Appear for Duty Due to Illness or Injury:
- 1. Upon receipt of a Form 25S for SWP benefits:
    - a. Review and sign indicating approval or disapproval of the use of SWP benefits.
    - b. Forward the original daily to the Personnel Section via the appropriate chain of command.
    - c. Maintain a copy in the district/section/unit tickler file.
      - 1) When an employee returns to duty, note the date of return on the unit copy. Send a copy to Personnel Section and transfer the unit copy to the employee's unit Medical Jacket.
  - 2. Upon receipt of a Form 91SP for IWP benefits:
    - a. Review and sign.
    - b. Notify Personnel Section as soon as possible of the illness/injury and date in cases of:
      - 1) On-duty injury or a recurrence of an on-duty injury.
      - 2) A hospitalized employee.
      - 3) Exposure to an infectious disease.
    - c. Make a blotter entry, when appropriate indicating Personnel Section was notified.

- d. Route the Form 91SP through the proper chain of command to Personnel Section.
  3. Inform the bureau commander of cases involving serious injury/illness or extended illness.
- D. Sickness While On Duty:
1. An employee becoming ill on duty will report the illness to the unit supervisor. The supervisor will assist or make arrangements to transport the employee home, to EHS, to a private physician, or a hospital, as conditions determine. The supervisor will prepare a Form 25S as outlined in Section B.1.a.
  2. Employees becoming ill while on duty are carried on the Payroll Attendance Report (PAR) and Time Book as sick that portion of the day they are absent from their regular tour of duty. Record the off-duty sick time in quarter hour increments.
- E. Personnel Injured On Duty:
1. Personnel injured on duty will be provided with an employee injury packet, which will be completed at the initial care facility.
    - a. A packet is not required when treatment is received from the Employee Health Service.
  2. Investigating supervisors will review the City Primary Care Physician medical evaluations prior to granting an employee IWP status for the remainder of the tour.
  3. When a Department employee is injured on duty, a unit supervisor will prepare an original and one copy of the Form 91SP for the employee's Medical Jacket.
    - a. Fax a copy of the Form 91SP to the City's current insurance provider and to the Risk Management Office.
    - b. Forward the original Form 91SP through the proper chain of command to the district/section/unit commander.



- c. Advise the employee to contact EHS as soon as possible.
    - 1) An employee unable to respond to EHS at the time of injury must notify EHS on the next EHS business day.
    - 2) If an employee is unable to respond or contact EHS due to the seriousness of the injury, Personnel Section will notify EHS of the employee's injury and status.
  - d. Carry sworn employees as IWP for the disability period subject to final recommendation and approval by EHS.
    - 1) The day of the injury is considered a working day. Do not charge to IWP.
  - e. Carry Division 1 employees SWP per Union contract and Personnel Policies and Procedures for the first 40 hours of their disability period, excluding the day of injury, unless they are hospitalized for one day or more.
    - 1) The day of the injury is considered a working day. Do not charge to SWP or IWP.
  - f. Carry other full-time nonsworn employees as mandated by Personnel Policies and Procedures.
  - g. Complete a Form 91SP even if the employee refuses treatment for a non-visible injury.
- F. On-duty exposure to life threatening infectious diseases:
- 1. Life threatening infectious diseases are generally considered to be viral hepatitis (HAV, HBV, HCV) and human immunodeficiency virus (HIV) which are bloodborne, and tuberculosis (TB), which is airborne.
    - a. Assume all contaminants are infectious. If the source is not clearly known not to be infected, then treat it as infected.

b. If an employee has contact with a known source of an infectious disease as listed in Section F.1. but not an exposure as listed in Definitions Section the employee's supervisor should make a "Passive Exposure" Form 91SP.

- 1) The employee receives a copy of the Form 91SP.
- 2) Personnel Section files original in the employee's Medical Jacket.
- 3) A "Passive Exposure" Form 91SP will not generate a workers' compensation number.

## 2. Treatment

a. All exposures

- 1) Immediately wash the affected area thoroughly with the antiseptic gel provided by the Department and/or soap with hot water.
- 2) Rinse eyes, mouth, and the interior of the nose thoroughly with plenty of warm water. Expel the water.

b. Passive Exposure Treatment:

- 1) Do not go to a hospital or other medical care facility for testing or treatment solely for a suspected exposure.
  - a) Medical costs of testing for infectious diseases are not covered by workers' compensation. EHS will provide all necessary testing and associated treatment without cost. Should you choose to seek private testing you will be personally responsible for the associated costs.

c. Active Exposure Treatment:

- 1) If an active exposure or an expected active exposure exists, respond to University Hospital for testing and treatment.

- a) Follow-up treatment will be handled by EHS.

3. Employee responsibilities:

- a. Report the incident to a supervisor immediately.
- b. Indicate on the Arrest and Investigation Report (Form 527) "Arresting employees exposed to blood/body fluids - court ordered test required."
- c. Call EHS during regular business hours. Speak with a nurse or a doctor, not just the receptionist. If EHS is closed, contact them as soon as the office opens for regular office hours. Holidays/weekends will not adversely affect treatment. EHS will make a determination if there is a possible exposure and if an office visit is needed.

4. Supervisor responsibilities:

- a. Request the subject submit to a test for infectious diseases if a suspected exposure occurs. This should be done at University Hospital. Get a signed medical release from the subject so the hospital will release the test results to EHS or the Police Department.
  - 1) Notify EHS of a refusal.
  - 2) If for any reason a test is not performed on the subject at the hospital:
    - a) Notify a Hamilton County Justice Center (HCJC) intake supervisor of the exposure and the need for a court ordered blood test.
      - 1] HCJC personnel, once notified of the exposure, will obtain the necessary court order on behalf of the Police Department. The arrested will be held until the necessary test can be administered.

- a] HCJC will notify EHS of the test results, who will in turn notify the member.
  - b. Complete the Form 91SP.
    - 1) Forward the original through the chain of command.
    - 2) Fax a copy to the Personnel Section. Personnel Section will immediately forward a copy to EHS.
      - a) Attach a copy of the medical release if the subject was tested and signed the release.
  - c. The unit supervisor will contact EHS by phone to be sure the affected employee has notified EHS of the possible exposure and is following the directives of EHS. Notify EHS if the subject was tested for infectious diseases, where, when, and whether there is a medical release.
5. Personnel Section responsibilities:
- a. When notified by EHS of known exposures involving deceased individuals, Personnel Section will notify the affected employee's district/section commander. Employees will follow the protocol as outlined above.
    - 1) Personnel Section will be available to answer questions related to exposures and maintain liaison with EHS.
- G. Notification in Cases of Serious Illness or Injury:
- 1. Each unit will maintain and keep updated a file of Personnel Index Cards (Form 438).
    - a. The reverse side of the Form 438 will contain the following information:
      - 1) Names, addresses, and phone numbers of individuals to be notified in case of an emergency.

- 2) A clergy member if desired.
- 3) Any special instructions.
- b. Changes to the Form 438 are the responsibility of the employee.
- 2. The employee, if conscious, should make the decision whether any personal notifies are to be made.
  - a. If possible, the employee will personally make the call.
- 3. If the employee is unconscious or unable, a unit supervisor will contact the person(s) the employee designated on the Form 438.
  - a. In-person notification will be made.
  - b. In cases of need, transportation of the notified person(s) will be provided.
  - c. Consider using a member of the Police Clergy Crisis Team or a Peer Support member to assist with the notification.
  - d. Notify Police Communications Section (PCS) by telephone of the following:
    - 1) Nature and extent of the injury or illness.
    - 2) Location or destination of the injured or ill employee.
    - 3) Whether the person(s) the employee designated to be notified in an emergency was actually notified.
  - e. PCS will make the appropriate notifications per the Situational Occurrences Notification List.
- H. Special Leaves:
  - 1. The Personnel Section Director has Department authority to approve the following special leaves in compliance with City/Department policy and procedure and/or current Union contract stipulations:
    - a. Sick pay family (SPF).

- b. Sick pay death (SAD).
- c. Sick pay maternity (SPM).
- d. Military training (MT).
- e. Leave without pay (LWP).

- 1) The Department will follow the current City guidelines as outlined in the Personnel Policies and Procedures, Department procedures, and/or current Union contract stipulations.

- 2. Employees requesting special leave will complete two copies of Form 25S as soon as the need for the leave becomes known.
  - a. The original is routed daily through the appropriate chain of command to Personnel Section.
  - b. The employee's unit of assignment retains a copy in the employee's Medical Jacket.
  - c. The Time Book and PAR will reflect the time granted.

I. Responsibilities of Personnel Section:

- 1. Serve as the Department liaison with EHS.
- 2. Maintain an alphabetical file of Forms 25S pertaining to sick leave on an annual basis.
- 3. Maintain a list of personnel confined to a hospital.
  - a. Notify the Police Chief's Office and the FOP of those employees admitted to a hospital.
- 4. Advise EHS of:
  - a. Hospitalized employees.
  - b. Employees exposed to an infectious disease.
  - c. Other serious or unusual cases of sick or injured employees.

5. Send a copy of all injury reports to EHS.
  6. Send a copy of the sick/injured leave report to EHS weekly. This report contains information concerning personnel currently carried as IWP, light duty, and on extended sick leave.
  7. Under special circumstances and when advised by EHS, communicate the duty status of an employee to the employee's unit of assignment. Under normal circumstances, EHS notifies the employee's unit of assignment of duty status and gives the employee a copy of the Form 96 to give to the employee's supervisor.
  8. Receive copies of Forms 25S for special leaves.
  9. Receive and process copies of the Form 91SP for personnel injured on duty.
    - a. Place copies of the Form 91SP in the employee's Medical Jacket.
    - b. Complete an Injured with Pay Recommendation (Form 74S) on all approved IWP leaves.
- J. Tracking Personnel on Extended Sick/IWP Leave, or on Extended Light Duty:
1. The district/section commander, who has an employee in an off-duty sick status for seven or more consecutive days (counting off days), or in an extended IWP or light duty status will call or fax Personnel Section on Friday between 0800 and 1200 hours and provide the employee's name and the nature of the illness or injury.
  2. Personnel Section will provide the Police Chief with a list of Department employees on extended sick/IWP leave, or on extended light duty. Personnel Section will update the list weekly for the Chief's staff meeting each Monday morning.

3. Personnel Section will maintain liaison with EHS to ensure EHS is aware of employees who are on extended sick/IWP leave, or on extended light duty in the event further medical evaluation is in order.